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10/046,148	01/16/2002	Reiner Eschbach	110237	3627

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EXAMINER

BRINICH, STEPHEN M

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/046,148

Applicant(s)

ESCHBACH ET AL.

Examiner

Stephen M. Brinich

Art Unit

2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1, 6-8, 10-19, 22, 24-32, 34 and 35 is/are rejected.
- 7) ☒ Claim(s) 2-5, 9, 20, 21, 23 and 33 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 1/16/02.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

Art Unit: 2625

**DETAILED ACTION**

***Claim Objections***

1. Claim 5 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

The recitation of claim 5 is substantially identical to that of parent claim 3, insofar as there does not appear to be any functional difference between "altering" and "adjusting" the recited "sharpness values".

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-8, 11-15, 24-25, & 28-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 7, lines 2-3; claim 8, lines 2-3; claim 24, lines 2-3; and claim 25, lines 2-3, the recitation of altering values of the input image data "to values below a commonly desired

Art Unit: 2625

value" appears to contradict the recitation in parent claims 1 & 19 that the operation of the claimed system and method "over-enhances" the image data.

In claim 11, lines 1-2, the phrase "the saturation values altering circuit or routine" lacks proper antecedent basis. Parent claim 10 recites the element "a saturation values altering circuit or routine" as one of a set of alternatives, only one of which is necessarily present (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

In claim 12, lines 1-2 and claim 13, lines 1-2, the phrase "the black level altering circuit or routine" lacks proper antecedent basis. Parent claim 10 recites the element "a black level altering circuit or routine" as one of a set of alternatives, only one of which is necessarily present (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

In claim 14, lines 1-3, the phrases "the luminance values altering circuit or routine" and "the altered black level value" lack proper antecedent basis. Parent claim 10 recites the elements "a luminance values altering circuit or routing" and "a black level altering circuit or routine" as items of a set of

Art Unit: 2625

alternatives, only one of which is necessarily present (thus, there would be no antecedent for this element if one of the other alternatives, but not one of these, is selected from the list).

In claim 15, lines 1-2, the phrase "the luminance values are altered" lacks proper antecedent basis. Parent claim 10 recites the element "a luminance values altering circuit or routine" as one of a set of alternatives, only one of which is necessarily present (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

In claim 28, line 1, the phrase "altering the saturation values" lacks proper antecedent basis. Parent claim 27 recites "saturation values" as one of a set of alternatives to be altered, only one of which is necessarily selected (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

In claim 29, line 1, the phrase "altering the black level value" lacks proper antecedent basis. Parent claim 27 recites "black level value" as one of a set of alternatives to be altered, only one of which is necessarily selected (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

Art Unit: 2625

In claim 31, line 1-2 and claim 32, lines 1-2, the phrase "altering the luminance values" lacks proper antecedent basis. Parent claim 27 recites "luminance values" as one of a set of alternatives to be altered, only one of which is necessarily selected (thus, there would be no antecedent for this element if one of the other alternatives, but not this one, is selected from the list).

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1, 6, 8, 10-11, 19, 22, 25, & 27-28, insofar as claims 6, 8, 11, 25, & 28 are understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Eschbach et al (5450217).

Re claims 1, 6, 10, 19, 22, & 27, Eschbach et al (5450217) discloses (Figures 3-4; column 6, line 43 - column 7, line 39) a system and method for generating modified image data. An input image modifying circuit (digital filter 110; column 3, lines 61-66) operates to enhance an image feature (saturation). An intermediate image modifying circuit (limiter 112, color space

Art Unit: 2625

transform 200; column 7, lines 8-19 & 32-39) limits the enhanced saturation (thus altering its "over-enhanced" condition) and further alters another image feature (luminance).

Re claims 8, 11, 25, & 28, the limiter 112 alters the saturation of the image data to below a desired value (1).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims 17-18 & 34-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eschbach et al (5450217) in view of Applicant's Description of Related Art.

Re claims 17-18 & 34-35, Eschbach et al (5450217) does not specify the use of the final output image as a background image for checks.

Applicant's Description of Related Art discloses (paragraph 0002) the use of images as background images for applications such as checks.

Art Unit: 2625

Eschbach et al (5450217) and Applicant's Description of Related Art are combinable because they are from the field of image processing.

At the time of the invention, it would have been obvious to a person of ordinary skill in the art to use the output image of Eschbach et al (5450217) as a check background image of the type described in Applicant's Description of Related Art.

The suggestion/motivation for doing so would have been for the decorative purpose described in Applicant's Description of Related Art.

Therefore, it would have been obvious to combine Eschbach et al (5450217) with Applicant's Description of Related Art to obtain the invention as specified in claims 17-18 & 34-35.

***Allowable Subject Matter***

8. Claims 2-5, 9, 20-21, 23, & 33 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 7, 12-16, 24, 26, & 29-32 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.



Art Unit: 2625

10. The following is a statement of reasons for the indication of allowable subject matter:

Re claims 2-3, 7, 9, 16, 20-21, 23-24, 26, & 33 (and dependent claims 4-5), insofar as claims 7 & 24 are understood, the art of record does not teach or suggest the recited arrangement of an initial over-enhancement of sharpness or contrast followed by a modification of the over-enhanced sharpness or contrast in conjunction with a modification of another image feature.

Re claims 12-14 & 29-30, insofar as they are understood, the art of record does not teach or suggest the recited arrangement of an initial over-enhancement of black level followed by a modification of the over-enhanced black level in conjunction with a modification of another image feature.

Re claims 14-15 & 31-32, insofar as they are understood, the art of record does not teach or suggest the recited arrangement of an initial over-enhancement of luminance followed by a modification of the over-enhanced luminance in conjunction with a modification of another image feature.

#### **Conclusion**

11. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Art Unit: 2625

Ikedo, Taylor et al, and Aach et al disclose further examples of multiple stages of image modification.

12. Any inquiry concerning the contents of this communication or earlier communications from the examiner should be directed to Stephen M. Brinich at 571-272-7430.

Any inquiry relating to the status of this application or proceeding or any inquiry of a general nature concerning application processing should be directed to the Tech Center 2600 Customer Service center at 571-272-2600 or to the USPTO Contact Center at 800-786-9199 or 703-308-4357.

The examiner can normally be reached on weekdays 7:00-4:30, alternate Fridays off.

The examiner's unit designation has been changed from "Art Unit 2624" to "Technology Division 2625" (as of March 20, 2006).

If attempts to contact the examiner and the Customer Service Center are unsuccessful, supervisor David Moore can be contacted at 571-272-7437.

Faxes pertaining to this application should be directed to the Tech Center 2600 official fax number, which is 571-273-8300 (as of July 15, 2005).

Art Unit: 2625

Hand-carried correspondence may be delivered to the  
Customer Service Window, located at the Randolph Building, 401  
Dulany Street, Alexandria, VA 22314.

A handwritten signature in black ink, reading "Stephen Brinich". The signature is written in a cursive, flowing style.

Stephen M Brinich

Examiner

Technology Division 2625

smb

March 29, 2006